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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/610,492	06/30/2003	Sean Hayes	MSI-1548US	5386
22801	7590	02/13/2006	EXAMINER	
LEE & HAYES PLLC 421 W RIVERSIDE AVENUE SUITE 500 SPOKANE, WA 99201			COBY, FRANTZ	
			ART UNIT	PAPER NUMBER
			2161	

DATE MAILED: 02/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/610,492

Applicant(s)

HAYES ET AL

Examiner

Frantz Coby

Art Unit

2161

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 30 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 June 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-47 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-47 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>03-04-05</u> . | 6) <input type="checkbox"/> Other: _____ |

This is in response to application filed on June 30, 2003 in which claims 1-47 are presented for examination.

Status of Claims

Claims 1-47 are pending.

Information Disclosure Statement

The information disclosure statement filed on March 04, 2005 is in compliance with the provisions of 37 CFR 1.97, 1.98 and MPEP § 609. It has been placed in the application file and the information referred to therein has been considered as to the merits.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1-17 and 19-32 are rejected under 35 U.S.C. 101 because the claimed invention is not supported by either a machine asserted utility or a well established utility. In particular, the claims are directed to non-statutory subject matter, specifically, as directed to an abstract idea.

As per claims 1-17 and 19-32, the language of the claims raise a question as to whether the claims are directed merely to an abstract idea that is not tied to a technological art, environment or machine which would result in a practical application

producing a concrete, useful, and tangible result to form the basis of statutory subject matter under 35 U.S.C. 101.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-11 and 14-18, 19, 20-26, 30-33, 34, 35-39, 40, 41-42, 43-44, 45-47 are rejected under 35 U.S.C. 102(b) as being anticipated by Cohen et al. U.S. Patent no. 5,367,621.

As per claims 1, 19, 34, 40 43, and 45 Cohen et al. disclose a method comprising “referencing one or more multimedia objects through a first set of one or more elements” by providing a generalized link in a data processing system to enable referencing from a point within an organized hierarchy of an on-line softcopy text to an arbitrary multimedia object” (See Cohen et al. Title, Abstract; Col. 1, lines 63-66; Col. 2, lines 13-16). In particular, Cohen et al. disclose the claimed limitations of “associating the first set of one or more elements with a second set of one or more elements” by providing mechanisms that contains link description which contains multimedia type information, object location information and multimedia control information for a target multimedia object (See Cohen et al. Col. 2, lines 19-26; Figure 3a, Col. 8, lines 27).

Also, Cohen et al. disclose the claimed feature of “arranging the second set of one or more elements to indicate timing for the multimedia objects referenced by the first set of one or more elements” (See Cohen et al. Figures 7a-7b, Col. 11, line 30-Col. 14, line 20).

As per claims 2-11 and 14-18, most of the limitations of these claims have been noted in the rejection of claims 1, 19, 34, 40, 43 and 45. In addition, Cohen et al. disclose the claimed features of “wherein the referencing is performed by pointers in the first set of one objects or more elements that point to the multimedia” since variables that contain memory locations of some other data is disclose (See Cohen et al. Figure 6; Col. 10, lines 12-61); “wherein the referencing and associating are performed by the same document” (See Cohen et al. Col. 2, line 10-Col. 3, line 15); “wherein the arranging is performed through a time container that defines the second set of one or more elements” (See Cohen et al. Figures 7a-7b, Col. 11, line 30-Col. 14, line 20); “wherein the time container is defined by SMIL conventions; wherein the time container defines that the elements of the second set of one or more elements are rendered at the same time” (See Cohen et al. Figures 7a-7b, Col. 11, line 30-Col. 14, line 20); “wherein the time container defines that the elements of the second set of one or more elements are rendered one after another in an ordered list” (See Cohen Figures 8a-8b); “wherein the time container defines that the element of the second set of one or more elements are rendered exclusive of one another”; “rendering of the multimedia objects based on the arranging of the second set of one or more elements with a third set of one or more

elements”; “associating the second set of one or more elements with a third set of one or more elements”; “referencing is performed by a first document and the associating is performed by a second document” (See Cohen et al. Figures 6-8 and corresponding text); “receiving an input to initiate an event affecting an element in the first set of one or more elements and providing a proxy element in the second set of elements that is configured to reference application of the event” (See Cohen et al. Figures 4-5; Col. 8, line 61-Col. 10, line 11); “wherein the arranging is performed through a time container that defines the second set of one or more elements”; “wherein the time container is defined by SMIL convention”; “a multimedia device”; and a personal computer that performs the method of claims (See Cohen et al. Figures 1-8).

As per claims 20-26, 30-33, 35-39, 41-42, 44, 46-47, all the limitations of these claims have been noted in the rejection of claims 2-11 and 14-18 above. They are therefore rejected as set forth above.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 12-13 and 27-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cohen et al. U.S. Patent no. 5,367,621 in view of Wan U.S. Patent no. 2004/0024898 A1.

As per claims 12-13 and 27-29, most of the limitations of these claims have been noted in the rejection of claims 1, 19, 34, 40, 43 and 45 above.

Although Cohen et al. describes documents that are written in general markup language (GML) and style sheet; it is noted, however Cohen et al. did not specifically detail the aspects of documents that are written in XML as recited in the instant claims. On the other hand, Wan achieved the aforementioned claimed feature by providing a multimedia environment wherein multimedia documents are linked and written in XML (See Wan Title, Abstract; Pages 1-2, Paragraphs 0009-0024).


It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the data processing method of Cohen et al. by substituting the link tags written in SGML with link tags written in XML, the motivation being to provide a multimedia data processing method including documents written in XML.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Frantz Coby whose telephone number is 571 272 4017. The examiner can normally be reached on Monday-Saturday 3:00PM-10:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic can be reached on 571 272 4023. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


FRANTZ GOOBY
PRIMARY EXAMINER

February 3, 2006